THE MYSORE GAZETTE

EXTRAORDINARY.

PUBLISHED BY AUTHORITY.

MYSORE, FRIDAY, OCTOBER 13, 1905.

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

No G.-Legis. 25-04-41, dated Camp Mysore, 13th October 1905.

NOTIFICATION.

The following Draft of a Regulation to remove certain disabilities arising from change of religion or deprivation of caste, which has been submitted to Government by the Committee appointed to consider the subject in Government Order No. 2510-18—Legis., dated the 3rd March 1905, is published for general information.

All persons interested in the subject are invited to send their opinions to the undersigned within two months from this date.

By Order,
B. K. VENKATA VARADA IYENGAR,
Secy. to Govt., Gen. & Rev. Dept.

DRAFT REGULATION.

WHEREAS it is expedient to remove certain disabilities arising from change of religion or deprivation of caste, His Highness the Maharaja of Mysore is pleased to enact as follows :—

(1) This Regulation is called a Regulation for the Removal of Religious and Caste Disabilities. It extends to the whole of Mysore and will come into force at once.

2. No person and no heir or representative of such person shall, merely by reason of his having renounced or being excluded from any Religion or of his being deprived of Caste,

(*i*) be divested of any vested interest to or in property;

(*ii*) be deprived of any right of inheritance or personal right.

Provided that no person and no heir or representative of such person shall by reason of this enactment be entitled to retain or acquire any property or right or to exercise any right peculiar or only appropriate to the Religion which he has renounced or from which he has been excluded or peculiar or only appropriate to the Caste of which he has been deprived.

Illustrations.

(*a*) A is a trustee for an endowment of his Religion. Out of that endowment he is entitled to provide for his own residence and maintenance. On being converted to another Religion, he will cease to retain his interest in the endowment.

(*b*) A, a Hindu with vested interest in joint family property, is converted to Christianity. He will, on conversion, retain his interest in that property, but without the incidents peculiar or only appropriate to members of a joint Hindu family.

(*c*) A, a Hindu, dies intestate, leaving him surviving a legitimate son B, a converted Christian. B will succeed A as heir, not by survivorship as a Hindu co-parcener.

(*d*) A, a Hindu, dies leaving him surviving a legitimate son B, a converted Christian. A, before his death, has disposed of his property by a valid will. A's property will follow the dispositions of that will.

(*e*) A, a Mussalman, with four legally married wives, is converted to Christianity. A, after his conversion, will not be able to divorce them by Mussalman ceremonies.

(*f*) A, a Hindu with Hindu sons, becomes a Mussalman. After conversion, he will not be able to exercise the right of a Hindu father to give one of his Hindu sons in adoption to a Hindu.

(*g*) A Hindu Brahmin voluntarily renounces his caste rules and becomes an ascetic. He will not be affected by this Regulation.

3. No person and no heir or representative of such person shall, by reason merely of another person's having renounced or being excluded from any Religion or being deprived of Caste,

(*i*) be divested or deprived of any property right of inheritance or personal right which he would have held had such other person remained in that Religion or Caste;

(*ii*) be forced to any act or to suffer any act inconsistent with or not appropriate to his own Religion or Caste.

Explanation.—The Religion or Caste of any person shall be presumed to be that in which he was born. A Court shall, till the contrary is shown,

presume that it is for the advantage of a minor to remain in the Religion or Caste in which he was born.

Illustrations.

(*a*) A and B are Hindu full brothers and C their half-brother. A becomes a Christian. B's right of inheritance to A will not be affected by C becoming a Christian.

(*b*) A, a Hindu, having a share and a right to live in the joint family house, becomes a Christian He cannot, contrary to the will of the Hindu members of the family, enforce his right to live himself in the joint family house.

(*c*) A, a Christian man, has a Christian wife B. A becomes a Mussalman and marries a second wife by Mussalman ceremonies. A will remain liable for the maintenance of B, and B will retain her right to divorce him, if she chooses, according to the law applicable to Christians. But A cannot enforce against her any conjugal rights, nor divorce her, except for reasons and in the manner allowed by the law applicable to Christians.

(*d*) A, a Christian man, with minor Christian children, becomes a Mussalman. He will remain liable for their maintenance. But he cannot enforce against them any right of guardianship inconsistent with their religion, such as circumcising his minor sons or giving his minor daughters in marriage to Mussalmans with ceremonies which subject them to Muhammadan law.

(*e*) A, son of B, a Hindu, becomes a Christian, and is consequently deprived of Caste. B will have the same right of adoption as he would have held if A had become an out-caste or disqualified son while remaining a Hindu; but the adoption, if made, will not operate to deprive A of property or rights to which A is entitled under Section 2 of this Regulation.

(*f*) A, son of B, a Hindu, becomes a Christian. After the conversion of A another son C is born to B. C will have the same rights in respect of ancestral property as he would have had if A had remained a Hindu; but the birth of C will not otherwise affect the rights of A under Section 2 of this Regulation.